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w/traverse

Attorney's Docket No. 5770.21

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FAX RECEIVED

In re: Bastiaan Driehuys et al.

Serial No.: 09/804,369

Filed: March 12, 2001

Examiner: Michael G. Hartley

Group Art Unit: 1616

JUL 16 2002

For: **DIAGNOSTIC PROCEDURES USING DIRECT INJECTION OF GASEOUS
HYPERPOLARIZED ¹²⁹XE AND ASSOCIATED SYSTEMS AND PRODUCTS**

GROUP 1600

Ref
7-19-02

Commissioner for Patents
Washington, DC 20231

July 15, 2002

OFFICIAL

RESPONSE TO RESTRICTION

Sir:


This response is submitted in reply to the Restriction Requirement extended in the Official Action mailed June 19, 2002 ("the Action"). The Action characterizes the pending claims as pertaining to fourteen patentably distinct inventions because they are "unrelated." Applicants respectfully disagree. However, in order to be considered responsive to the Action, Applicants provisionally elect Claims 1-23 (invention 1) with traverse.

Applicants also respectfully request that the Examiner maintain at least Claims 24-45 (inventions 2-3) and Claims 46-69 (inventions 4, 5, and 6) in this application because they share common special technical features, including the direct injection of polarized ¹²⁹Xe gas (and/or obtaining NMR/MRI signal data of the direct injected polarized ¹²⁹Xe gas) that would allow them to be searched and examined together without an undue burden on the Examiner.

Other of the "separate" inventions also recite the direct injection of ¹²⁹Xe gas such as Claims 70-71, 72, 73 (inventions 7 and 8) and Applicants respectfully submit that they are sufficiently related so that they would not place a "serious burden" on the Examiner. Accordingly, all of the aforementioned claims are appropriately maintained in the application pursuant to MPEP § 803.

In view of the foregoing, Applicants respectfully request that the Examiner maintain Claims 1-73 in the pending application.

Respectfully submitted,


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